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3. — *Introduction to American Law, designed as a First Book for Students.* By TIMOTHY WALKER, one of the Professors in the Law Department of the Cincinnati College. Philadelphia. P. H. Nicklin & T. Johnson. 1837. 8vo. pp. 679.

THIS book is well adapted for the purposes indicated in its title-page. It is an admirable First Book for Students of Law. It is also thoroughly American. The young jurisprudent of our country, who is pursuing that "gladsome light" which his master Lord Coke has so earnestly commended, may here find a book especially written for himself, — calculated to remove many of those difficulties which peculiarly beset his path, and conducting him at once to the actual structure of American law. He should not, however, neglect the incomparable commentaries of Sir William Blackstone, whose singular felicity of style and beautiful method, by which, as in a map, the outlines of the English law are displayed, will continue to attract the attention of every student, even when much of their practical utility has gone.

Blackstone's Commentaries are invariably placed in the American student's hands, as his first book. To this there are two principal objections. The first is, that the work contains much that is antiquated and obsolete, even in England; much that is irrelevant in this country, that has never been adopted among us as law, and that is entirely uncongenial with our existing institutions. All this is so intermingled with the other parts, having a direct practical interest, that it is impossible, by any general directions, to put the student on his guard, and he is compelled to travel through the whole, wandering among the perplexed paths, uncertain where to rest. Every part of the work will be of equal importance in his eyes; and he will, perhaps, devote as much time to the antiquated doctrine of Essoins, or Trial by Battel, as to the important titles, which are applied in daily life. This may seem to be stating the case too strongly; but the reader will understand by it the force of the objection, which may be justly made to Blackstone's Commentaries, as a first book. Another principal objection is grounded on the apologetic and servile spirit in which the Commentaries are written; a spirit calculated to please some English minds, though by many of them strongly censured, but which is entirely at variance with the whole tone of American institutions and character. Perhaps much of the illiberality and aversion to reform which are manifested by lawyers, may be attributed to

the bias which they unconsciously receive, while imbibing the rudiments of their profession from this popular work.

Mr. Walker has presented a perspicuous and condensed view of the vast subject of American law. His language has a simplicity, bordering on plainness; but it is intelligible and expressive. With more of elegance it would be a happy model of style for a didactic work, particularly for a law book. It is devoid alike of professional pedantry, and of careful refinement; but it is direct and to the purpose, and clearly conveys the author's meaning. The tone and spirit of the book are such as become our country; they are congenial with our free institutions and our expanding political character. The author has not hesitated, in attempting to teach what the law is, to declare what, in his opinion, it should be. In short, he has entered boldly into the subject of legal reform, and has made many suggestions, which at once manifest the liberality of his own views, and his acquaintance with the principles which lie at the foundation of the law. Without subscribing to all his suggestions of reform, we feel free to express our entire assent to many. The dignity of the profession is uniformly advocated, with a becoming warmth; and a high standard of professional morals inculcated.

Turning our attention from the style and spirit of the book to the subject-matter, and the skill and general correctness with which it is handled, we shall be struck, at the threshold, by the comprehensiveness and, we may add, completeness of the plan; in this respect far surpassing the valuable and authoritative Commentaries of Chancellor Kent. The work is in the form of lectures, and is divided into six Parts. The first embraces such Preliminary Considerations as appeared necessary to the understanding of what follows, and consists of lectures on the study of the law; the principles of social organization (an interesting, but in some respects, we think, old-fashioned view of the subject); an historical summary of the origin of society and government in America; also on definitions in the law, and its different branches. The second part embraces Constitutional Law, treating of the relations of the different States of the Union, the legislative department, the executive department, the judicial department, the enumerated powers of Congress, the incidental powers, and the federal and state prohibitions, constituting a bill of rights. The third part embraces The Law of Persons, under which head an interesting class of subjects is considered; corporations, partnerships, husband and wife, parent and child, guardian and ward, master and servant, executors and administrators. Part fourth treats of the Law of Property, commencing with some preliminary explanations with regard to the origin of

the right of property, and also of the feudal system, which exercised so great an influence over the law of real property in England, and treating of incorporeal hereditaments, estates with respect to their duration, estates with respect to their commencement, estates in joint ownership, estates upon condition, mortgages, equitable estates, title by occupancy, title by marriage, title by descent, title by demise, title by purchase, and, next, the subject of contracts in general, and lastly, of some particular contracts. The fifth part relates to the Law of Crimes, and treats of crimes and punishments in general; crimes under the law of Ohio; and crimes under the law of the United States. The sixth part relates to the Law of Procedure (an appropriate word imported from the French code), comprising a highly interesting view of the civil proceedings in courts of law, of Chancery proceedings, and of criminal proceedings, with some concluding reflections on the vast compass of the science, and some proposed amendments of the Constitution and changes in the law.

It will be observed, that in his general divisions Mr. Walker has followed Blackstone, who was himself a follower of Sir Matthew Hale, so far as they treated of the same subject; but in the sub-divisions he has very often left him. In the foregoing outline, the American law is completely mapped out, with the exception of International law; which, though common to all countries, may properly be embraced in a view of the jurisprudence of each country, but which Mr. Walker has omitted to treat in his work. It is, however, a branch so distinct, that it is hardly to be regretted that it was not comprehended in the *Introduction to American Law*.

We will not venture to affirm that the foregoing outline is uniformly filled up with critical accuracy; but we do not hesitate to say, that we have been struck by the general correctness with which it has been done, when we consider the complex and extensive nature of the labor. A vaster subject could hardly have been attempted. Some errors, growing out of a generality of expression, a forced condensation and rapidity of view, we have noticed; but they are comparatively unimportant, and we only allude to them, in order to put the author on his guard, in the publication of a second edition, and to stimulate the student to a close and watchful attention in his use of the book. Where it became necessary, in the course of his work, to refer to the local law of any particular State, Mr. Walker has very properly referred to that of his own State, where the lectures, of which the book is composed, were delivered. We regret, however, that he has not on all occasions indicated in the margin, or in

some other way, where and to what extent he has relied upon the local law. As it is, the student may, at times, imagine that he is reading some principles or rules of law, common to the whole union, when he is reading the local law of Ohio. Thus, in treating of the law of evidence (p. 544), the author places among incompetent witnesses all black and mulatto persons, where either party is white; thus adding to the rules, excluding testimony, another on account of color, without referring to any authority in its support, or intimating that the rule is founded in special legislation, and is peculiar to Ohio and some other States. It is certain that such a rule is utterly unknown to the common law of England, and also to that law as received in Massachusetts and most of the northern states. This is a serious defect, but should not be suffered to weigh against the great merits of the work, as a generally faithful, liberal, and comprehensive compend of American law, affording the beginner a ready introduction to the whole vast and complex subject, and imbuing his mind with that wholesome spirit of independence, which becomes an American student.

We cannot conclude this brief notice, without extracting the striking dedication of the work;

"To the Honorable Joseph Story, who equally adorns and illustrates American Jurisprudence in the several capacities of Judge, Author, and Teacher, in each of which he has no superior, the following humble effort to prepare the way for more readily appreciating his vast and various labors, is most respectfully inscribed by one who has enjoyed the good fortune of being his pupil and friend."

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4. — *The Relation of Natural Science to Revealed Religion. An Address delivered before the Boston Natural History Society, June 7, 1837.* By HUBBARD WINSLOW. Published by the Society. Boston. Weeks, Jordan, & Co. 1837. Svo. pp. 20.

To show the harmony between the facts of the natural world and the doctrines which Christians believe to be revealed from heaven; to show that science and religion are not enemies but inseparable friends, is the object of Mr. Winslow's address. To prove this, is doing much to prove religion absolutely, and is doing every thing to prove it to minds which are peculiarly constituted or trained. The principles assumed by the author are unquestionably sound, though we might differ from him with respect to some of the applications which he has made of them. In the wide range which he has taken, it was impossible for him to treat any single topic with thoroughness; yet he has brought